



PATENT
ATTORNEY DOCKET: 46884-5473

JF44

ENTITLED FRAGBAM IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
Hirofumi KAN et al.) Confirmation No.: Unassigned
Application No.: 10/577,958) Group Art Unit: Unassigned
Filed: May 2, 2006) Examiner: Unassigned
For: SEMICONDUCTOR LASER)
DEVICE AND METHOD OF)
MANUFACTURING THE SAME)

Commissioner for Patents
U.S. Patent and Trademark Office
Customer Window, Mail Stop Amendment
Alexandria, VA 22314

Sir:

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(b), Applicants bring to the attention of the Examiner the document listed on the attached PTO Form 1449. To the best of the undersigned's knowledge, this Information Disclosure Statement is being filed before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due for filing this paper.

An Office Action dated July 13, 2007 that issued in a Chinese patent application and having documents cited therein is attached for the Examiner's consideration.

The relevance of the attached foreign language document can be understood from the attached English-language abstract, and/or from the citation of the document in the attached Chinese Office Action dated July 13, 2007.

Except as discussed below, the cited document is listed on the attached PTO Form 1449 and a copy of the cited document is also attached hereto.

While the Office Action dated July 13, 2007 additionally cites to JP 11-121816, this document is not listed on the attached PTO Form 1449 because it was previously cited in an Information Disclosure Statement in this application on May 2, 2006.

Applicants respectfully request that the Examiner consider the listed document and evidence that consideration by making appropriate notations on the attached PTO Form 1449.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that the listed document is material or constitute "prior art." If it should be determined that the listed document does not constitute "prior art" under United States law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of such document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed document, should the document be applied against the claims of the present application.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0573.

This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.13(a)(3).

Respectfully submitted,

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Dated: September 10, 2007

By:



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